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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

520.39349VX1

In re Application of: Masami MAKUUCHI et al.

Application No.: 10/735,909

Filed: 12/16/2003

For: A TESTING APPARATUS FOR CONDUCTING A TEST ON A MAGNETIC RECORDING MEDIUM OR A  
MAGNETIC HEAD, THROUGH RECORDING TEST DATA ON THE MAGNETIC RECORDING MEDIUM AND  
REPRODUCING RECORDED TEST DATA THEREFROM BY MEANS OF THE MAGNETIC HEAD

The owner, Hitachi, Ltd. and Hitachi High-Tech Electronics Engineering Co., Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,700,369. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record.

Melvin Kraus 10/27/2004  
Signature Date

MELVIN KRAUS, Reg. No. 22,466  
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(703) 312-6600  
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